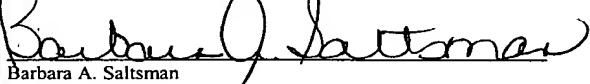




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Attorney Docket No.283-325
PATENT

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Barbara A. Saltsman

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.:	09/858,163	Confirmation No.:	3286
Applicant:	Michael Ehrhart		
Filed:	May 15, 2001		
Art Unit:	2876		
Examiner:	Kimberly D. Nguyen		
Docket No.:	283-325		
Customer No.:	20874		

Mail Stop: RCE
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

COMMENT ON STATEMENT OF REASONS FOR ALLOWANCE

Sir:

In reviewing the Statement of Reasons for Allowance in the Office Action dated August 12, 2005, applicant noted that the elements the Examiner discusses in the Statement are not present in each claim. If the Examiner's position is that all of the elements referenced in the Statement of Reasons for Allowance must be present in each claim for the claims to be allowable, the Examiner is respectfully requested to withdraw the allowance and to render a formal Office Action substantiating such a position. Otherwise, the file history of the present application will reflect that each claim has been allowed by reason of combinations of elements actually recited therein.

U. S. Patent Application No.: 09/858,163
Comment on Statement of Reasons For Allowance Dated November 10, 2005

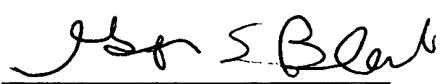
If the Examiner believes that contact with applicants' attorney would be advantageous toward the disposition of this case, the Examiner is herein requested to call applicants' representative at the phone number listed below.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to deposit Account No. 50-0289.

Respectfully submitted,

WALL MARJAMA & BILINSKI LLP

Date: November 10, 2005


George S. Blasiak
Registration No. 37,283
WALL MARJAMA & BILINSKI LLP
101 South Salina Street
Suite 400
Syracuse, NY 13202
315-425-9000
315-425-9114 (FAX)

Customer No. 20874

GSB/bs

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Michael Ehrhart

Application No.: 09/858,163

Filed: 05/15/2001

For: Multimode Image Capturing And Decoding Optical Reader



Group No.: 2876

Examiner: Kimberly. D. Nguyen

Mail Stop: RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

EXPRESS MAIL CERTIFICATE

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Date of Deposit: November 10, 2005

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2. PTO/SB/21 Transmittal Form
3. PTO/SB/17 Fee Transmittal
4. PTO/SB/30 RCE Form
5. Amendment in Response to Notice of Allowability
6. Comment on Statement of Reasons For Allowance
7. Information Disclosure Statement
8. PTO/SB/08A
9. Return Mail Room Postcard

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Barbara A. Saltsman



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NOV 10 2005

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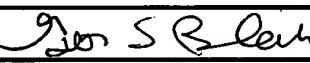
27

Application Number	09/858,163
Filing Date	May 15, 2001
First Named Inventor	Michael Ehrhart
Art Unit	2876
Examiner Name	Kimberly D. Nguyen
Attorney Docket Number	283-325

ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input checked="" type="checkbox"/> After Allowance Communication to TC
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input checked="" type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	See the attached additional enclosures
<input checked="" type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		
Remarks		
Express Mail Label No. EV554216370US		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Wall Marjama & Bilinski LLP		
Signature			
Printed name	George S. Blasiak		
Date	11/10/05	Reg. No.	37,283

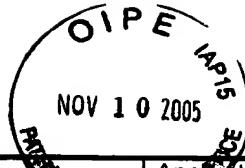
CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name			Date

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**TRANSMITTAL FORM
(PTO/SB/21)**

ADDITIONAL ENCLOSURES

Application Number	09/858,163
Filing Date	May 15, 2001
First Named Inventor	Michael Ehrhart
Art Unit	2876
Examiner Name	Kimberly D. Nguyen
Attorney Docket Number	283-325

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 NOV 10 2005		Complete if Known	
Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).		Application Number 09/858,163 Filing Date May 15, 2001 First Named Inventor Michael Ehrhart Examiner Name Kimberly D. Nguyen Art Unit 2876 Attorney Docket No. 283-325	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27			
TOTAL AMOUNT OF PAYMENT	(\$) 970.00		

METHOD OF PAYMENT (check all that apply)

Check Credit Card Money Order None Other (please identify): _____
 Deposit Account Deposit Account Number: 50-0289 Deposit Account Name: Wall Marjama & Bilinski LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

Charge fee(s) indicated below Charge fee(s) indicated below, except for the filing fee
 Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 Credit any overpayments

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FEE CALCULATION**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

<u>Application Type</u>	<u>FILING FEES</u>		<u>SEARCH FEES</u>		<u>EXAMINATION FEES</u>		<u>Fees Paid (\$)</u>
	<u>Fee (\$)</u>	<u>Small Entity</u>	<u>Fee (\$)</u>	<u>Small Entity</u>	<u>Fee (\$)</u>	<u>Small Entity</u>	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEESFee Description

Each claim over 20 (including Reissues)
 - Each independent claim over 3 (including Reissues)
 Multiple dependent claims

<u>Total Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>	<u>Multiple Dependent Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
	<u>Fee (\$)</u>	<u>Fee (\$)</u>	<u>Fee (\$)</u>			
- 20 or HP =	x	=			50	25
HP = highest number of total claims paid for, if greater than 20.					200	100
<u>Indep. Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>		360	180
- 3 or HP =	x	=				
HP = highest number of independent claims paid for, if greater than 3.						

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

<u>Total Sheets</u>	<u>Extra Sheets</u>	<u>Number of each additional 50 or fraction thereof</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
- 100 =	/ 50 =	(round up to a whole number) x 250.00	=	0.00

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): RCE Fee (\$790) & IDS Fee (\$180)

Fees Paid (\$)

970.00

SUBMITTED BY

<u>Signature</u>	<u>Mr S Blasiak</u>	<u>Registration No.</u> (Attorney/Agent)	37,283	<u>Telephone</u> 315-425-9000
<u>Name (Print/Type)</u>	George S. Blasiak			<u>Date</u> November 10, 2005

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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